



# Montana Department of LABOR & INDUSTRY

1  
2 Division: Workforce Services Division  
3 Category: Programs  
4 Original Effective Date: 3/30/2017  
5 Last Revised: 07/01/2021  
6 Policy No.: 11-17

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## 8 Senior Community Services Employment Program (SCSEP) Policy

9 **Background:** The Senior Community Service Employment Program (SCSEP) program was authorized by  
10 the Older Americans Act and most recently reauthorized in Title V of the 2020 Supporting Older Americans Act.  
11 SCSEP is the federally sponsored employment and training program targeted specifically to low-income, older  
12 individuals who want to enter or re-enter the workforce. Under WIOA, the SCSEP is a required partner and is part  
13 of the One-Stop delivery system.

14 The Montana Department of Labor and Industry (MDLI) has been designated to administer SCSEP. MDLI as the  
15 SCSEP grantee, contracts for operation of the program. The contract sub-grantee is selected through the  
16 Request for Proposal process.

17 MDLI Workforce Services Division (WSD) is designated as the technical assistance and oversight entity for  
18 SCSEP.

19 **Scope:** This policy applies to all sub-grantees operating SCSEP, SCSEP program managers, SCSEP fiscal  
20 officers, and the SCSEP monitoring team. This policy is effective July 1, 2021.

## 21 Policy:

### 22 SCSEP Eligibility Requirements:

- 23 • To the extent possible, the SCSEP sub-grantee will focus on SCSEP eligible minorities and be familiar  
24 with the ethnic, racial, and cultural mix of the older adult populations within their areas to ensure  
25 recruitment efforts include potential participants of all backgrounds. The number of minority  
26 participants enrolled will be in proportion to the population.
- 27 • SCSEP eligibility requirements. Criteria for determining SCSEP eligibility includes:
  - 28 ○ Age – an individual must be 55 years of age or older on the date eligibility is determined. There  
29 is no maximum age limit for participation in SCSEP.
  - 30 ○ Income – Individual or family income must not exceed 125 percent of the federal poverty level.  
31 An individual with a disability may be treated as a family of one for the income calculation. The  
32 U.S. Department of Health and Human Services issues the income limits annually.
  - 33 ○ Place of Residence – An individual must reside in the state and county in which the sub-grantee  
34 is authorized to operate SCSEP. The residence must be a permanent dwelling place. Prior to  
35 enrollment, there is no requirement to the length of residence.
  - 36 ○ Employment Status – Individuals must be unemployed at the time of eligibility determination  
37 and recertification.

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- SCSEP priority of service – Priority must be given to individual who has one or more of the following characteristics:
    - Is 65 years of age or older;
    - Has a disability;
    - Has limited English proficiency or low literacy skills;
    - Resides in a rural area;
    - Is a veteran; or the spouse of a veteran who died of a service connected disability; is a member of the armed forces on active duty missing in action more than 90 days; captured in the line of duty by a hostile force; forcibly detained by a foreign government, or who meet program eligibility requirements under Section 2 of the Jobs for Veterans Act, Public Law 107-288 (2002);
    - Has low employment prospects;
    - Has failed to find employment after utilizing services provided through their local One-Stop Center or Job Service Montana office; or
    - Is homeless or at risk for homelessness.
    - Was formerly incarcerated or under supervision from release from prison or jail within five (5) years of the date of initial eligibility determination.
  - If the provider meets with participants and attends relevant community meetings in their recruitment and outreach efforts and provides service to all eligible individuals, there is no need to apply the priorities and preferences.

58 **Income Eligibility:**

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- For purposes of eligibility determinations income may be the income received during the 12-month period that ends on the date of application or the annualized income for the 6-month period that ends on the date of application. The method of calculating income that results in a more favorable outcome for the individual must be used.
  - Included Income:
    - Earning, wages, commissions, bonuses, tips and self-employment income;
    - Benefits received under Title II of the Social Security Act, of which 75 percent will be counted as includable income;
    - Survivor benefits;
    - Pension or retirement income;
    - Interest income;
    - Dividends;
    - Rents, rental income, royalties, estates and trust;
    - Educational assistance;
    - Alimony;
    - Financial assistance from outside the household; and
    - Other income.
  - Excluded Income:
    - Unemployment compensation;
    - Benefit received under title XVI of the Social Security Act Supplement Security Income for the Aged, Blind and Disabled (SSDI);
    - Payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs;
    - 25 percent of a benefit received under Title II of the Social Security Act;
    - Supplemental Security Income;
    - Public assistance;
    - Income from other employment and training programs;
    - Disability benefits;
    - All forms of child support;

- 88 ○ Workers' compensation;
- 89 ○ The first \$2,000 of certain per capita fund distribution that are made to Indians pursuant to the
- 90 Indian Claims Act;
- 91 ○ Any other income exception required by applicable federal law e.g., stipends from programs
- 92 funded by the Senior Corps of National and Community Service;
- 93 ○ Capital gains received (or loss incurred) from the sale of property;
- 94 ○ Withdrawals of bank deposits;
- 95 ○ Money borrowed;
- 96 ○ Tax refunds;
- 97 ○ Gifts; and
- 98 ○ Lump-sum inheritances, insurance payments, gambling, and lottery earnings.
- 99 ● 2021 Health and Human Services poverty guidelines adapted for Montana SCSEP 01/13/2021.
- 100 Updated annually.

Size of Family Unit	Annual	6 Months
1	\$16,100	\$ 8,050
2	\$21,775	\$10,887
3	\$27,450	\$13,725
4	\$33,125	\$16,562
5	\$38,800	\$19,400
6	\$44,475	\$22,237
7	\$50,150	\$25,075
8	\$55,825	\$27,912

- 101 ● For each additional person, add \$5,675.

#### 102 Eligibility Determination:

- 103 ● Determination/Participation Application – The participant application form documents eligibility and
- 104 provides information on the applicant's age, income, place of residence, and current status of
- 105 employment. To properly determine eligibility, the applicant's personal information must be accurately
- 106 recorded on the participant application form and all supporting documents provided must be reviewed.
- 107 ○ Sub-grantee staff will ensure the applicant understands that by signing the participant
- 108 application form, he or she is affirming that all the information provided on the form is true; and
- 109 if any of the information is found to be false after enrollment, he or she may be terminated
- 110 immediately.
- 111 ● Confidentiality and/or Sharing of Information on Application – The participant application form contains
- 112 personal information and, potentially, information on an applicant's medical condition; therefore, it
- 113 must be kept in a secure confidential location.
- 114 ● Ineligible Applicants – If an applicant is determined to be ineligible for participation in SCSEP, the
- 115 individual will be referred to a Job Service Montana office or other employment and training partners for
- 116 services.

#### 117 Documenting Eligibility:

- 118 ● Sub-grantee staff is responsible for documenting eligibility information and for recording that
- 119 information on the participant eligibility form. Examples of acceptable documentation for each eligibility
- 120 requirement include:
- 121 ○ Age – Birth certificate, Social Security award letter, driver's license, and/or passport.
- 122 ○ Income for self and family members – Social Security award letter, earning statements, pension
- 123 statements, prior year income tax return, and/or bank statements showing interest.
- 124 ○ Residence – Utility bill, voter's registration card, and/or driver's license. A physical address is
- 125 required, not a post office box.

- 126           ○ Unemployment status – Verify by Unemployment Insurance (UI) records when possible;  
127           reviewing bank records for payroll deposits, phone calls to former employers, and/or  
128           certification from another agency that has reviewed the documentation.  
129           ○ Documenting a family of one – A signed self-certification is acceptable. If no other  
130           documentation exists, the Family Size Certification form may be used. When this method is  
131           used, case notes must reflect efforts to secure the appropriate documentation. In the event the  
132           applicant or participant lives with other family members and the individual cannot produce any  
133           supporting official documentation, the family certification form may be used. If the applicant or  
134           participant would like to qualify as a family of one because of his/her disability, the disability  
135           must be documented. This documentation may include medical documents, letter from  
136           Vocational Rehabilitation Services, a disability-parking permit issued by the State; or for Social  
137           Security Disability Income (SSDI), the Social Security Administration’s benefits letter. If an  
138           individual does not want to qualify as a family of one, no declaration or documentation of  
139           disability is required.
- 140           ● US citizenship is not a requirement for eligibility; however, the Immigration and Naturalization Service  
141           requires an Employment Eligibility Verification form (I-9) for every person hired after November 6, 1986.  
142           This form must be completed prior to enrollment.

143   **Recertification of Eligibility:**

- 144           ● Verification of eligibility must be completed every 12 months after initial determination of eligibility.

145   **Definition of Family:**

- 146           ● For determining income level for eligibility in SCSEP, a family includes a householder and one or more  
147           living in the same household who are related to the householder by birth, marriage or adoption. This  
148           includes but is not limited to a husband, wife, dependent children, and parent or guardian.
- 149           ● An applicant or participant claimed as a dependent on the federal income tax return of another family  
150           member with whom he/she resides, is defined as a family of two or more.
- 151           ● People related by birth, marriage or adoption and residing together are considered members of one  
152           family, including sub family members.
- 153           ● Subfamily and related subfamily are both defined as a family within a family; or a married couple with or  
154           without children; or one parent with one or more of his/her own never-married children who are less  
155           than 18 years old. Example of a subfamily: A married couple do not maintain their own household and  
156           live in the home of someone else. Example of related sub-family: An adult daughter and her child live  
157           with her parents. Please note: If the adult daughter and her child maintain their own household, they  
158           are family in their own right.
- 159           ● Unrelated subfamily is defined as a married couple with or without children or a single parent with one  
160           or more of his/her own never-married children under 18 years old living in a household. Unrelated  
161           subfamily members are not related to the householder. An unrelated subfamily may include such  
162           people as guests, partners, roommates, or resident employees and their spouse and/or children. An  
163           unrelated subfamily is not included in the determination of income eligibility for SCSEP.

164   **Orientation:**

- 165           ● When selected for participation, the participant must be given an orientation to the SCSEP including  
166           information on goals and objectives, community service assignments, training opportunities, supportive  
167           services, the opportunity for a free physical examination, participant rights and responsibilities,  
168           permitted and prohibited activities, grievance procedures, and data privacy.
- 169           ● Participants will receive both a copy and a verbal explanation of the involuntary termination policy  
170           during orientation.
- 171           ● Participants must be unemployed to qualify for enrollment in SCSEP. Sub-grantee staff must inform all  
172           participants that they may not be employed while participating in the program and they must notify the  
173           program representative immediately upon becoming employed.

174 **Assessment and Individual Employment Plan (IEP):**

- 175 • When selected for participation, the participant must be given an initial assessment and an IEP must be  
176 developed that outlines the participant's goals, educational and training needs. The assessment will  
177 include:
- 178 ○ work history,
  - 179 ○ skills,
  - 180 ○ interests,
  - 181 ○ talents,
  - 182 ○ physical capabilities,
  - 183 ○ aptitudes,
  - 184 ○ need for supportive services,
  - 185 ○ occupational preferences,
  - 186 ○ training needs,
  - 187 ○ potential for performing community service assignment(s), and
  - 188 ○ potential for transition to unsubsidized employment.
- 189 • The participant will be assessed no less than two times during a twelve-month period, including the  
190 initial assessment. The IEP will be updated as necessary to reflect information gathered during  
191 subsequent participant meetings or assessments.

192 **Permissible Training Activities and Community Service Assignment:**

- 193 • When an individual is selected for participation in the SCSEP, the IEP clarifies the participant's goals  
194 and needs. Training consistent with the IEP enables the participant to successfully perform the  
195 community service assignment, increase skills and job placement potential, improve quality of life, and  
196 obtain unsubsidized employment.
- 197 • The sub-grantee is encouraged to obtain training through local resources at no cost or little cost to the  
198 program. Participants may be paid wages while in training. There are no limits on the number of hours  
199 an individual may engage in training other than needs reflected in the IEP.
- 200 • Community Service Job Training is provided through the host agency/workplace. Community service job  
201 training requires a detailed training plan and realistic timeline for learning needed skills. Training at the  
202 workplace is often more practical than classroom training. Additional classroom training, seminars, on-  
203 the-job experience (OJE), and training through other employment and training programs is permissible. A  
204 SCSEP participant must be assigned to a worksite prior to receiving training. Community service  
205 assignment specifications:
- 206 ○ Host agency agreement is required. Agreement must specify the nature of the community  
207 service assignment, the hours the participant will train, and the circumstances and the number  
208 of participants the host agency will train.
  - 209 ○ An IEP detailing skills to be learned and a timeline to achieve the goal is required.
  - 210 ○ Rotating worksite assignments is encouraged.
- 211 • General Training is designed to enhanced or refresh a participant's basic skills. It includes skill training,  
212 classroom training, lectures, seminars and individual instruction. General training may be combined  
213 with community service training, specialized training, OJE, or other general training options such as self-  
214 development training available from sources other than Title V of the OAA during hours other than hours  
215 of community service assignment. General training specifications:
- 216 ○ Must be an eligible SCSEP participant.
  - 217 ○ Must be assigned to a community service worksite prior to receiving training.
  - 218 ○ Must be consistent with the IEP that details skill to be attained and timelines for achieving that  
219 goal.
  - 220 ○ Cost must be at little or no cost to the program.
- 221 • Specialized Training is designed to prepare a participant for a specific job or industry. This may be  
222 provided through a workforce partner, the sub-grantee, a customized training class, and educational  
223 institution, or other training provider. Specialized training may be combined with community service

- 224 training, general training, lectures, seminars, individual instruction, or OJE. Specialized training  
 225 specifications:
- 226 ○ Must be an eligible SCSEP participant.
  - 227 ○ Must be consistent with the IEP.
  - 228 ○ Cost must be at little or no cost to the program.
  - 229 ○ Contract must be negotiated with provider detailing training curriculum, specific skills to be  
 230 learned, deliverable timelines and payment and responsibilities.
  - 231 ● On-the-job-experience (OJE) – Note: On-the-job experience (OJE) is only permissible if the grantee  
 232 requests and receives approval through the optional special request. If permitted, it is to be utilized  
 233 when the unsubsidized job goal requires specific skills not attainable through the community service  
 234 worksite. OJE may be utilized after a participant has completed at least two weeks at a community  
 235 service assignment. A provider may negotiate with a potential employer, public or private, an OJE  
 236 agreement that specifies no more than 40 hours a week for up to 12 weeks of training. The OJE  
 237 agreement must also stipulate that if the OJE has been satisfactory, the participant will remain on the  
 238 business’s payroll as a permanent employee. An OJE can only be used once in a 12-month period with  
 239 any single participant. An OJE may be combined with other training such as community service,  
 240 classroom training, seminars, lectures, individual instruction, and specialized training options such as  
 241 self-development training. OJE specifications:
    - 242 ○ The OJE agreement or contract must not be with a current host agency providing a worksite for  
 243 an SCSEP participant. A host agency is a public agency or a private nonprofit organization,  
 244 which provides a training worksite and supervision for one or more participants.
    - 245 ○ The contract must detail the skills to be learned, timelines, and benchmarks to be achieved.
    - 246 ○ An agreement or contract and timesheets relating to the OJE must show hours worked each  
 247 week and the number of weeks to be worked.
    - 248 ○ Total hours worked cannot exceed 40, including any work at a host agency.
    - 249 ○ Sub-grantee may reimburse up to 100 percent of wages for OJEs that do not exceed 4 weeks.
    - 250 ○ Sub-grantee may reimburse up to 50 percent of wages for OJEs that exceed 4 weeks.
    - 251 ○ The agreement or contract must stipulate the amount the business is to be reimbursed and the  
 252 hourly rate of pay.
    - 253 ○ In lieu of a reimbursement agreement with the business, the sub-grantee may opt to pay the  
 254 participant 100 percent of the wages earned on the OJE not to exceed 12-weeks total duration.
    - 255 ○ The contract must stipulate whether the sub-grantee or the business is to be responsible for  
 256 workers’ compensation claims that may result from the participant’s OJE training.
    - 257 ○ The contract must stipulate that there will be significant follow-up to resolve potential unsafe  
 258 conditions or issues that arise with the business or participant.

259 **Wages and Benefits:** No less than seventy-five (75) percent of the total funds granted to the state must be  
 260 spent on participant wages and benefits.

- 261 ● **Wages:** Sub-grantees may pay participants the highest applicable minimum wage for time spent in  
 262 orientation, training required by the sub-grantee, and work in community service assignments. This  
 263 may be federal, state, or local minimum wage; or the prevailing rate of pay for persons employed in  
 264 similar public occupations by the same employer.
- 265 ● **Benefits:** Sub-grantees must ensure that benefits are offered to all participants.
  - 266 ○ **Required benefits:** Sub-grantees must offer participants the opportunity to receive annual  
 267 physical examinations. Physical examinations are a benefit and NOT an eligibility requirement.  
 268 When a participant refuses to accept this offer, the sub-grantee must document the refusal  
 269 within 60 days after the community service assignment start date.
  - 270 ○ **Allowable benefits:** Sub-grantees may provide for annual and sick leave, holidays, health  
 271 insurance, social security, and any other benefits.
- 272 ● The sub-grantee collaborates with Job Service Montana offices to provide additional training and  
 273 employment services to participants. Job Service Montana services include:

- 274 ○ Orientation to workforce services,
- 275 ○ Job counseling,
- 276 ○ Employment referrals,
- 277 ○ Referrals to educational or vocational training, and other referral services,
- 278 ○ Labor market information,
- 279 ○ Workshops on resumes and interviewing, and
- 280 ○ Resource room resources, including computers, fax, landline telephone, and copy machines.

### 281 Supportive Services:

- 282 ● Some participants may require some supportive services to help them successfully complete their
- 283 worksite assignment and obtain unsubsidized employment. Sub-grantees may provide or arrange for
- 284 supportive services after assignment to a community service worksite.
- 285 ● The sub-grantee must assess all participants' needs for supportive services and make every effort to
- 286 assist participants in obtaining needed supportive services. The sub-grantee must document supportive
- 287 service needs in the IEP for each participant.
- 288 ● Supportive service request documentation must be maintained in the participant file and must contain
- 289 the following information:
  - 290 ○ A brief description of the expenditure;
  - 291 ○ The amount requested; and
  - 292 ○ The dated signatures of the case manager and the participant. An email or fax will be accepted
  - 293 as signature.
- 294 ● All supportive services must be requested and approved by the sub-grantee prior to the participant
- 295 receiving or obtaining goods or services. Backdated expenditures will not be allowed.
- 296 ● Supportive services may include but are not limited to payment of the reasonable costs of:
  - 297 ○ Transportation,
  - 298 ○ Health care and medical services,
  - 299 ○ Job-related or personal counseling,
  - 300 ○ Incidentals such as work shoes, badges, uniforms or other work clothing, eyeglasses, and tools,
  - 301 ○ Dependent care,
  - 302 ○ Housing, including temporary shelter,
  - 303 ○ Needs-related payments, and
  - 304 ○ Follow-up services: Sub-grantees are encouraged to provide follow-up services throughout the
  - 305 first 12 months after placement in unsubsidized employment to determine if participants have
  - 306 the necessary supportive services to remain on the job. During that time period, sub-grantees
  - 307 should document at least six attempts to contact participants receiving follow-up services.
- 308 ● The sub-grantee should attempt to provide for payment of these supportive services from other
- 309 community resources or at little cost to the program.

### 310 Individual Durational Limit:

- 311 ● Each participant is subject to an individual durational limit of 48 months. An extension of 12 months
- 312 may be granted to the participant with at least one of the statutory waiver factors listed below:
  - 313 ○ 75 years of age or older,
  - 314 ○ Meets Social Security age requirements but does not receive Social Security benefits, or
  - 315 ○ Lives in an area of persistent unemployment and has severely limited employment prospects.
- 316 ● The sub-grantee will:
  - 317 ○ Inform all participants in writing of the grantee's Individual Durational Limit Policy;
  - 318 ○ Apply the individual durational limit policy uniformly to each participant served;
  - 319 ○ Ensure a transition plan is in place for each participant plan affected by a durational limit and
  - 320 implement the transition plan in a timely manner to ensure the best possible outcome for each
  - 321 participant;

- 322 ○ Provide written notice of termination at least 30 days in advance of the termination date when a
- 323 participant will be terminated due to reaching his or her time limit; and
- 324 ○ Provide the grievance procedure for any participant who wishes to appeal terminations,
- 325 including durational limit terminations. A copy of the grievance will be given to each participant
- 326 whenever a participant is informed of a durational limit termination.

### 327 Participant Corrective Action and Warning:

- 328 ● A participant will be given an opportunity to correct his or her behavior, conduct or failure to comply with
- 329 the IEP requirements; except in cases involving serious harm or imminent threat to health, safety,
- 330 property, etc. At any point in the correction action process, if a participant makes positive efforts or the
- 331 participant's lack of action is justified, corrective action will be discontinued. The following steps for
- 332 corrective action will be taken:
  - 333 ○ Step 1: Formal Warning
    - 334 ■ If a participant displays behavior or conduct outlined in the reasons for "for cause"
    - 335 terminations or refuses to comply with the IEP requirements, the participant will be given
    - 336 a verbal warning and counseled to correct actions or behavior. Absent extenuating
    - 337 circumstances, the participant will be informed in writing by the sub-grantee director of
    - 338 the requirement to correct the behavior or conduct. The sub-grantee director will provide
    - 339 a copy of the first formal warning to WSD.
  - 340 ○ Step 2: Second Formal Warning
    - 341 ■ When a participant once again displays behaviors or conduct outlined in the reasons for
    - 342 "for cause" terminations or refuses to comply with the IEP requirements, the participant
    - 343 will be verbally warned and counseled to correct actions. Absent extenuating
    - 344 circumstances, the sub-grantee director will send the participant a written warning that
    - 345 he or she has 30 days from the date of the letter to correct the behavior or conduct. In
    - 346 the case of an IEP violation, the participant may be directed to complete specific IEP
    - 347 related tasks. The written warning will include a statement that failure to make
    - 348 improvement or complete the IEP related tasks will result in termination. The sub-
    - 349 grantee director will provide a copy of the second formal warning to WSD.
  - 350 ○ Step 3: Notice of Termination
    - 351 ■ When a participant does not make improvement in actions, or for a third time displays
    - 352 behavior or conduct outlined in the reasons for "for cause" terminations, a letter will be
    - 353 sent notifying the participant that he or she will be exited 30 days from the date of the
    - 354 letter.

### 355 Termination:

- 356 ● The following termination policy will be followed fairly and equitably when involuntarily terminating
- 357 participants. Participants will not be terminated based on age. Except as noted below in the case of
- 358 serious violation, participants will receive progressive discipline and an opportunity for corrective action
- 359 before a form termination notice is issued. All inappropriate behavior or poor performance must be
- 360 documented. In the case of a serious offense, participants will receive a 3-day termination letter
- 361 notifying them of the date of exit, the reason for the termination and the right to appeal under the
- 362 SCSEP grievance procedure. Sub-grantee staff will review the termination policy with participants at
- 363 least once each year during recertification. There are 6 reasons a participant may be involuntarily
- 364 terminated from SCSEP:
  - 365 ○ Knowingly providing false information in the eligibility process.
    - 366 ■ Intentionally providing inaccurate information to qualify for SCSEP. If this occurs, the
    - 367 participant will be placed on Leave Without Pay immediately, and a 30-day notification
    - 368 of termination will be sent to the participant. The sub-grantee will inform WSD of the
    - 369 intent to place the participant on Leave Without Pay and provide a copy of the 30-day
    - 370 notification of termination letter.
  - 371 ○ Incorrectly identified as eligible at or after enrollment or the annual recertification.



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- A participant will be terminated if found ineligible for participation or continued enrollment in SCSEP through no fault of their own or an inadvertent error in the determination process. When this occurs, the participant will be notified regarding the error and immediately sent a 30-day termination letter. The participant will be able to continue participating in the program until the date of exit as noted in the letter. The sub-grantee will refer the participant to other potential sources of assistance, such as those provided by Job Service Montana. The sub-grantee will inform WSD of the basis for termination and provide a copy of the 30-day notification of termination letter.
- Determined to be no longer eligible at recertification,
  - During recertification, a participant may be determined no longer eligible due to a change in eligibility criteria such as income, family of one due to a change in disability status, employment status, and number of household members. The participant will be notified and immediately sent a 30-day notification of termination letter. The participant will be able to continue participating in the program until the date of exit as noted in the letter. The sub-grantee will inform WSD of the basis for termination and provide a copy of the 30-day notification of termination letter.
- Reaching the maximum 48-month participation limit,
  - A participant will be terminated when he or she meets the 48-month maximum participation date and does not qualify for an extension under documented waiver factor based on the Individual Durational Limit section of this policy. A waiver qualifies the participant for a temporary 12-month extension. If the participant does not qualify for a temporary extension, he or she will be sent a 30-day notification of termination letter 30 days before the 48-month maximum participation date. The participant will be able to continue participating in the program until the date of exit as noted in the letter. Prior to termination the sub-grantee will inform WSD whenever a participant reaches the maximum participation date and if the participant has a qualified documented waiver and subsequent temporary extension or does not qualify for a temporary extension of the change regarding the participant's eligibility. The sub-grantee shall also provide a copy of the 30-day notification of termination to WSD.
- Becoming employed during enrollment, or
  - A participant who is discovered to be employed while enrolled without having notified the program of the employment will be terminated from the program. If this occurs, the participant will be placed on Leave Without Pay immediately, and a 30-day notification of termination will be sent to the participant. The sub-grantee will inform WSD of the cause for termination and provide a copy of the 30-day notification of termination letter prior to termination.
- For cause, including refusing to accept three job offers or referrals to unsubsidized employment based on the IEP (with no extenuating circumstances hindering the participant from moving to unsubsidized employment).
  - For cause terminations generally require that participants commit willful misconduct before WSD or sub-grantee will consider termination to be the appropriate action.
  - IEP related reasons to warrant termination for cause may include but are not limited to:
    - Refusing to search for a job;
    - Sabotaging a job interview, for example, a participant tells the interviewer that they are not interested in the job or that they are not qualified;
    - Refusing to participate fully in training opportunities
    - Refusing to transfer to a new community service training assignment;
    - Refusing to register at Job Service Montana;
    - Refusing to take advantage of WIOA opportunities;

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- Refusing to accept or lack of follow through in obtaining supportive services that will enhance the participant's ability to participate in a community service assignment consistent with the IEP;
- Refusing to cooperate with other IEP related referrals;
- Refusal to cooperate with the assessment or IEP process, e.g., refusing to participate in completing the assessment and training development plan.
- The sub-grantee may refer the participant to other potential sources of assistance such as those provided by Job Service Montana. The sub-grantee will inform WSD of the cause for termination and provide a copy of the 30-day notification of termination letter.
- Non-IEP related reasons to warrant termination for cause may include but are not limited to:
  - Refusal to cooperate in recertifying eligibility by not supplying required documents or refusing to attend or be available for recertification appointment;
  - Failure or refusal to perform assigned duties, e.g., refusing without good cause to do assignments that are part of the training description and required to increase skill and knowledge;
  - Falsification of official records, such as timesheets;
  - Intentional disclosure of confidential or private information obtained from the host agency, grantee, sub-grantee, or local project;
  - Frequent tardiness or unauthorized absences, including reporting to the assignment late or not reporting to the assignment and not informing the supervisor;
  - Insubordination, defined as intentionally refusing to carry out the direction or instructions of a host agency supervisor or sub-grantee staff member, provided there were no extenuating circumstances and the direction or instructions were reasonable;
  - Workplace harassment or discrimination; on the basis of race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status.
  - Obscene, abusive, harassing or threatening language or behavior;
  - Physical violence or intentional destruction of property;
  - Theft;
  - Causing an imminent threat to health or safety of self or others;
  - Non-compliance with drug and alcohol-free policy, prohibiting participants from consuming, selling, purchasing, manufacturing, distributing, possessing or using any illegal or non-prescribed drug; or from being under the influence of alcohol and/or drugs while performing their host agency assignment or while carrying out objectives required by the IEP. Legally prescribed medications are excluded if they do not affect the participant's ability to perform his or her duties or protect the safety of the participant or others; and
  - Exceeding the approved Leave Without Pay by failing to return from an approved break by the required date without due notice or good cause.
- For cause termination that requires immediate removal from host agency and leave without pay pending termination.

- 470           ▪ When a participant’s violation of the WSD or sub-grantee policies is of a serious nature,  
471           immediate action to remove the participant from the host agency may be required. In  
472           this case, the participant will be placed on leave without pay and a written 30-day notice  
473           of termination sent. Examples of circumstances warranting immediate removal from the  
474           host agency and leave without pay include but are not limited to:
- 475                 • Gross misconduct such as violating the WSD and/or sub-grantee drug and  
476                 alcohol policy or intentionally endangering the lives of themselves or others; or
- 477                 • Violence, including but not limited to physical or extreme verbal violence at the  
478                 training site.
- 479           ▪ In the case of for cause termination the sub-grantee will notify WSD immediately of an  
480           action taken to remove the participant from the host agency and be placed on leave  
481           without pay and provide a copy of the written 30-day notice of termination.

482 **Performance Accountability:**

- 483     • There are seven core performance measures. Although the final Quarterly Progress Report (QPR) will be  
484     used to determine if providers have met performance goals, performance will be monitored throughout  
485     the program year using all quarterly reports. Performance measures include:
- 486         ○ hours of community service employment,
- 487         ○ the percentage of participants in unsubsidized employment during the second quarter after exit,
- 488         ○ the percentage of participants in unsubsidized employment during the fourth quarter after exit,
- 489         ○ median earnings of participants who are in unsubsidized employment during the second quarter  
490         after exit,
- 491         ○ indicators of effectiveness in serving employers, host agencies, and participants,
- 492         ○ the number of eligible persons served,
- 493         ○ the number of most in-need individuals served as described in OAA section 518(a) (3)(B)(ii) or  
494         (b)(2),
- 495     • Hours of community service employment is defined as the total number of hours of community service  
496     provided by SCSEP participants divided by the number of hours of community service funded by the  
497     grantee’s grant. Paid training hours are excluded from this measure.
- 498     • The percentage of participants who are in unsubsidized employment during the second quarter after  
499     exit is defined by the formula: The number of participants who exited during the reporting period who  
500     are employed in unsubsidized employment during the second quarter after the exit quarter, divided by  
501     the number of participants who exited during the reporting period multiplied by 100.
- 502     • The percentage of participants who are in unsubsidized employment during the fourth quarter after exit  
503     is defined by the formula: The number of participants who exited during the reporting period who are  
504     employed in unsubsidized employment during the fourth quarter after the exit quarter, divided by the  
505     number of participants who exit during the reporting period, multiplied by 100.
- 506     • The median earnings of project participants who are in unsubsidized employment during the second  
507     quarter after exit is defined by the formula: For all participants who exited and are in unsubsidized  
508     employment during the second quarter after the exit quarter, the wage that is at the midpoint (of all the  
509     wages) between the highest and lowest wage earned in the second quarter after the exit quarter.
- 510     • The number of eligible individuals served is defined as the total number of participants served divided  
511     by the grantee’s authorized number of positions after adjusting for differences in minimum wage among  
512     the States and areas.
- 513     • Most-in-need is defined by counting the total number of the following characteristics for all participants  
514     and dividing by the number of participants served. Participants are characterized as most-in-need if  
515     they:
- 516         ○ Have a severe disability;
- 517         ○ Are frail;
- 518         ○ Are age 75 or older;
- 519         ○ Meet the age requirements for Social Security but do not receive Social Security benefits;

- 520 ○ Live in an area with persistent unemployment and are individuals with severely limited
- 521 employment prospects;
- 522 ○ Have limited English proficiency;
- 523 ○ Have low literacy skills;
- 524 ○ Have a disability;
- 525 ○ Reside in a rural area;
- 526 ○ Are veterans;
- 527 ○ Have low employment prospects;
- 528 ○ Have failed to find employment after utilizing services provided under Title I of WIOA; or
- 529 ○ Are homeless or at risk for homelessness.
- 530 ○ Was formerly incarcerated or under supervision from release from prison or jail within five (5)
- 531 years of the date of initial eligibility determination.
- 532 ● Satisfaction of the participants, businesses, and their host agencies with their experiences and the
- 533 services provided is defined as the results of customer satisfaction surveys administered to each of
- 534 these three customer groups. U.S. Department of Labor (USDOL) will prescribe the content of the
- 535 surveys.
- 536 ● Providers will be expected to meet at least 80 percent of their negotiated performance level for each
- 537 performance standard and for all measures in the aggregate. Adjustments to the performance
- 538 standards will be allowed based on the following five criteria:
- 539 ○ High unemployment, poverty, or welfare and Temporary Assistance for Needy Families (TANF)
- 540 program in the service area relative to other areas of the state.
- 541 ○ Significant economic downturn in the service area.
- 542 ○ Significant numbers of participants with one or more barriers to employment relative to other
- 543 areas of the state.
- 544 ○ Changes in federal, state, or local minimum wage requirements.
- 545 ○ Limited economies of scale for the provision of community service employment and other
- 546 authorized activities in the areas served.

#### 547 Sub-grantee Sanctions:

- 548 ● Each sub-grantee's performance will be assessed by WSD no later than 30 days after the end of each
- 549 program year. If the aggregate score for all SCSEP measures is between 80 and 100 percent,
- 550 performance goals are considered met. An aggregate score of 100 percent exceeds performance
- 551 standards.
- 552 ● If a provider fails to meet the performance standard for one or more individual measures, but meets the
- 553 overall performance goal, technical assistance will be provided relative to the failed standard(s).
- 554 ● Program providers that fall below 80 percent of their aggregate negotiated performance standard are
- 555 subject to the following sanctions:
- 556 ○ The provider will submit a corrective action plan no later than 30 days after the end of the
- 557 program year. The state will provide technical assistance.
- 558 ○ Failure to meet the aggregate performance standard for a second consecutive year will result in
- 559 loss of slots equivalent to 25 percent of the sub-grantee's current year funds for the first full
- 560 program year following the determination. The slots are redistributed among other sub-grantees
- 561 who have met their performance measure goals, with consideration given to equitable
- 562 distribution.
- 563 ○ Failure to meet the aggregate performance standard for a third consecutive year will result in a
- 564 competition to award the remaining grant to a new sub-grantee for the first full year following
- 565 the determination.

#### 566 Data Collection and Reporting:

- 567 ● SCSEP grantees are required to submit individual participant records that contain information about
- 568 participants, host worksites, and placement with unsubsidized businesses.

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- The sub-grantee is required to enter the information into the internet based SCSEP Performance and Results Quarterly (SPARQ) performance report system. SPARQ stores electronic records at the USDOL and allows grantees to maintain their records via the internet.
  - Timely data entry affects performance reporting. The sub-grantee will enter data into SPARQ within 10 working days.
  - Data from the forms will be transmitted to USDOL for aggregation and the production of the QPR. The sub-grantee is not required to submit a quarterly data report but is required to submit a quarterly narrative.

577 **Union Organizing, Nepotism, Maintenance of Effort (MOE):**

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- SCSEP funds will not in any way be used to assist, promote, or deter union organizing.
  - Nepotism is an unfair practice that occurs when hiring or delivery of program services is based on personal connections. SCSEP recipients must ensure that no recipient or sub-recipient hires and no host agency serves as a worksite for a person who works in a SCSEP community service assignment if a member of that person's immediate family is engaged in a decision-making capacity, compensated or not, for that project, sub-project, recipient, sub-recipient, or host agency. The SCSEP grantee may request that USDOL exempt worksites on Native American reservations and in rural areas from this requirement; if adequate justification can be documented: for example, no persons are eligible and available for participation in the program.
  - Grantees and sub-grantees must ensure that no one in a SCSEP administrative decision-making position hires a family member for a position that is funded with SCSEP funds. In addition, providers must ensure that no host agency serves as a worksite for a participant if a member of that person's immediate family is engaged in a decision-making capacity for that host agency.
  - For purposes of this section, "immediate family" is defined as wife, husband, son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild.
  - A community service agreement for a participant under Title V of the Older American Act (OAA) is permissible only when the following specific maintenance of effort requirements are met. Each project funded under Title V:
    - Must not reduce the number of employment opportunities or vacancies that would otherwise be available to individuals not participating in the program;
    - Must not displace currently employed workers; including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits;
    - Must not impair existing contracts or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed; and
    - Must not employ or continue to employ an eligible individual to perform the same work or substantially the same work as that performed by any other individual who is on layoff.

605 **Administrative Requirements:**

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- The State SCSEP staff will provide technical assistance to sub-grantees.

607 **Monitoring and Evaluation:**

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- A formal monitoring will be conducted annually by MDLI.

609 **References:**

- 610
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- [Supporting Older Americans Act of 2020](#)
  - [TEGL 17-20 SCSEP Updated Guidance](#)
  - [TEN 7-20 Resources for Serving Youth and Adults Involved with the Justice System](#)
  - [20 CFR 641, SCSEP](#)

- 614 • [SCSEP Data Collection Handbook](#)
- 615 • [OWB 04-04](#)
- 616